

21 C.J.S. Courts § 46

Corpus Juris Secundum | June 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

II. Jurisdiction of Courts

D. Jurisdiction of Person

2. Due Process Requirement of Minimum Contacts for Personal Jurisdiction

§ 46. General requirement of minimum contacts
with forum for due process and personal jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  11, 13.2 to 13.5(14)

The exercise of personal jurisdiction over a defendant is consistent with the requirements of the Due Process Clause of the United States Constitution if the defendant has certain minimum contacts with the forum state such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.

Personal jurisdiction recognizes and protects an individual liberty interest that flows from the Due Process Clause of the United States Constitution and requires that maintenance of the suit not offend traditional notions of fair play and substantial justice.¹ The exercise of personal jurisdiction over a defendant is consistent with due process if the defendant has certain minimum contacts with the forum state, and it is reasonable and fair to require the defendant to defend the suit in the state.² The purpose of the requirement of minimum contacts is to protect a defendant against the burdens of litigating in a distant and inconvenient forum and to insure that the states, through

their courts, do not reach beyond the limits imposed on them by their status as coequal sovereigns in the federal system.³

The due process minimum contacts test requires that the nonresident defendant's suit-related conduct must create a substantial connection with the forum state, arising out of contacts that the defendant creates.⁴ There be some act which the defendant purposefully avails of the privilege of conducting activities within the state, thus invoking the benefits and protections of its laws,⁵ or an attempt to obstruct its laws.⁶

The defendant's conduct and connection with the forum state must be such that the defendant should reasonably anticipate being "haled into court" there.⁷ The mere foreseeability of an event in the forum state is insufficient.⁸

Personal jurisdiction requires a forum-by-forum, or sovereign-by-sovereign, analysis.⁹ Whether minimum contacts exist must be determined on a case-by-case basis¹⁰ under an objective¹¹ and particularized inquiry.¹²

The central inquiry is the relationship among the defendant, the forum, and the litigation,¹³ looking to the defendant's contacts with the forum state itself, not the defendant's contacts with persons who reside there.¹⁴ Due process limits on the State's adjudicative authority principally protect the liberty of the nonresident defendant, not the convenience of plaintiffs or third parties.¹⁵ The court's focus is on the defendant's activities, not those of other defendants, third parties,¹⁶ or the plaintiff.¹⁷ The unilateral activity of any person or party, other than the defendant, is not relevant,¹⁸ and the defendant's relationship with a plaintiff or third party, standing alone and apart from the forum, is insufficient.¹⁹

The plaintiff's relationship to the forum is not determinative of the court's general jurisdiction but the plaintiff's residence in the forum strengthens the case for the exercise of specific jurisdiction.²⁰ A plaintiff's lack of contacts will not defeat otherwise proper jurisdiction, but the plaintiff's contacts may be so manifold as to permit jurisdiction when it would not exist in their absence.²¹

CUMULATIVE SUPPLEMENT

Cases:

The requirements for personal jurisdiction must be met as to each defendant over whom a state court exercises jurisdiction. [Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County](#), 137 S. Ct. 1773 (2017).

Non-resident freelance writer did not purposefully avail himself of the privilege of conducting activities in Florida, and thus specific personal jurisdiction did not exist, in communications strategist's action for defamation per se, although subject matter of writer's social media post was Florida lawsuit; less than 1% of writer's social media followers were in Florida, strategist did not live or work in Florida, writer did not contact Florida sources about social media post, and strategist did not claim to have suffered harm in Florida more than anywhere else. [Miller v. Gizmodo Media Group, LLC](#), 383 F. Supp. 3d 1365 (S.D. Fla. 2019).

A factor related to purposeful availment element of personal jurisdiction over an out-of-state defendant is foreseeability or notice, i.e. that the defendant, in purposefully availing himself or herself of the privilege of conducting activities within the forum State, should reasonably anticipate being haled into court there. [Pinner v. Pinner](#), 467 Md. 463, 225 A.3d 433 (2020).

Attorney General's civil investigative demand for information relating to fossil fuel company's knowledge and activities regarding climate change arose out of company's in-state network of fuel stations, as required to satisfy "transacting any business" clause of long-arm statute, in specific personal jurisdiction analysis; company operated more than 300 retail service stations in state, company had right to control advertising of its fossil fuel products to in-state consumers, and demand sought information as to whether company engaged in deceptive advertising regarding climate change. [Mass. Gen. Laws Ann. ch. 93A, § 6\(1\); Mass. Gen. Laws Ann. ch. 223A, § 3\(a\). Exxon Mobil Corporation v. Attorney General](#), 479 Mass. 312, 94 N.E.3d 786 (2018).

An injury is relevant to the existence of personal jurisdiction only insofar as it shows that the defendant has formed a contact with the forum state; the proper question is not where the plaintiff experienced a particular injury or effect but whether the defendant's conduct connects him to the forum in a meaningful way. [Central States Development, LLC v. Friedgut](#), 312 Neb. 909, 981 N.W.2d 573 (2022).

Although determining what facts constitute purposeful availment of the privilege of conducting activities within New York, for purposes of assessing whether there is personal jurisdiction over a non-domiciliary defendant pursuant to the transacts any business clause of New York's long-arm statute, is an objective inquiry, it always requires a court to closely examine the defendant's contacts for their quality. [N.Y. CPLR § 302\(a\)\(1\). State v. Vayu, Inc.](#), 39 N.Y.3d 330, 186 N.Y.S.3d 93, 206 N.E.3d 1236 (2023).

Determining purposeful availment, as required to have personal jurisdiction over a nonresident defendant, is an objective inquiry, which always requires a court to closely examine the defendant's contacts with a forum for their quality. *Al Rushaid v. Pictet & Cie*, 28 N.Y.3d 316, 45 N.Y.S.3d 276, 68 N.E.3d 1 (2016).

[END OF SUPPLEMENT]

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011); *J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (Per J. Kennedy with three justices concurring and two justices concurring in judgment).

Ind.—*Boyer v. Smith*, 42 N.E.3d 505 (Ind. 2015).

Iowa—*Book v. Doublestar Dongfeng Tyre Co., Ltd.*, 860 N.W.2d 576 (Iowa 2015).

Nev.—*Catholic Diocese, Green Bay v. John Doe* 119, 349 P.3d 518, 131 Nev. Adv. Op. No. 29 (Nev. 2015).

Tenn.—*Turner v. Turner*, 473 S.W.3d 257 (Tenn. 2015).

Tex.—*MasterGuard L.P. v. Eco Technologies Intern. LLC*, 441 S.W.3d 367 (Tex. App. Dallas 2013).
- 2 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); *Burnham v. Superior Court of California, County of Marin*, 495 U.S. 604, 110 S. Ct. 2105, 109 L. Ed. 2d 631 (1990) (per Justice Scalia with three Justices concurring and five Justices concurring in the judgment); *Calder v. Jones*, 465 U.S. 783, 104 S. Ct. 1482, 79 L. Ed. 2d 804 (1984).

D.C.—*Ahmad Hamad Al Gosaibi & Bros. Co. v. Standard Chartered Bank*, 98 A.3d 998 (D.C. 2014).

Vt.—*State v. Atlantic Richfield Co.*, 2016 VT 22, 2016 WL 556174 (Vt. 2016).

Fairness is the test
Iowa—*Book v. Doublestar Dongfeng Tyre Co., Ltd.*, 860 N.W.2d 576 (Iowa 2015).
- 3 U.S.—*World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980).
- 4 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).
- 5 U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (per J. Kennedy with three justices concurring and two justices concurring in judgment).

Ind.—*Wolf's Marine, Inc. v. Brar*, 3 N.E.3d 12 (Ind. Ct. App. 2014).

Iowa—*Book v. Doublestar Dongfeng Tyre Co., Ltd.*, 860 N.W.2d 576 (Iowa 2015).

Neb.—*Abdouch v. Lopez*, 285 Neb. 718, 829 N.W.2d 662 (2013).

Nev.—*Catholic Diocese, Green Bay v. John Doe* 119, 349 P.3d 518, 131 Nev. Adv. Op. No. 29 (Nev. 2015).

- N.Y.—*Licci v. Lebanese Canadian Bank*, 20 N.Y.3d 327, 960 N.Y.S.2d 695, 984 N.E.2d 893 (2012).
- 6 U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (per J. Kennedy with three justices concurring and two justices concurring in judgment).
- 7 U.S.—*World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980).
Ala.—*Ex parte Merches*, 151 So. 3d 1075 (Ala. 2014).
Iowa—*Book v. Doublestar Dongfeng Tyre Co., Ltd.*, 860 N.W.2d 576 (Iowa 2015).
Fla.—*Rollet v. de Bizemont*, 159 So. 3d 351 (Fla. 3d DCA 2015).
Nev.—*Catholic Diocese, Green Bay v. John Doe* 119, 349 P.3d 518, 131 Nev. Adv. Op. No. 29 (Nev. 2015).
Tex.—*TV Azteca v. Ruiz*, 44 Media L. Rep. (BNA) 1443, 2016 WL 766927 (Tex. 2016).
- 8 U.S.—*World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980).
Tex.—*TV Azteca v. Ruiz*, 44 Media L. Rep. (BNA) 1443, 2016 WL 766927 (Tex. 2016).
- 9 U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011) (Per Justice Kennedy with three justices concurring and two justices concurring in judgment).
- 10 U.S.—*Kulko v. Superior Court of California In and For City and County of San Francisco*, 436 U.S. 84, 98 S. Ct. 1690, 56 L. Ed. 2d 132 (1978).
Ala.—*Ex Parte AutoSource Motors, LLC*, 156 So. 3d 397 (Ala. 2014).
Fla.—*Rollet v. de Bizemont*, 159 So. 3d 351 (Fla. 3d DCA 2015).
Fact intensive inquiry
Miss.—*Miller v. Provident Advertising and Marketing, Inc.*, 155 So. 3d 181 (Miss. Ct. App. 2014), cert. denied, 154 So. 3d 33 (Miss. 2015) and cert. denied, 135 S. Ct. 2862, 192 L. Ed. 2d 897 (2015).
- 11 N.Y.—*Licci v. Lebanese Canadian Bank*, 20 N.Y.3d 327, 960 N.Y.S.2d 695, 984 N.E.2d 893 (2012).
- 12 Iowa—*Capital Promotions, L.L.C. v. Don King Productions, Inc.*, 756 N.W.2d 828 (Iowa 2008).
- 13 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014); *Keeton v. Hustler Magazine, Inc.*, 465 U.S. 770, 104 S. Ct. 1473, 79 L. Ed. 2d 790 (1984).
S.D.—*Kustom Cycles, Inc. v. Bowyer*, 2014 SD 87, 857 N.W.2d 401 (S.D. 2014).
Tex.—*2007 East Meadows, L.P. v. RCM Phoenix Partners, L.L.C.*, 310 S.W.3d 199 (Tex. App. Dallas 2010).
- 14 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).
- 15 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).
- 16 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).
N.M.—*Gallegos v. Frezza*, 2015-NMCA-101, 357 P.3d 408 (N.M. Ct. App. 2015).
- 17 U.S.—*Walden v. Fiore*, 134 S. Ct. 1115, 188 L. Ed. 2d 12 (2014).
S.D.—*Kustom Cycles, Inc. v. Bowyer*, 2014 SD 87, 857 N.W.2d 401 (S.D. 2014).

- 18 Tex.—*Touradji v. Beach Capital Partnership, L.P.*, 316 S.W.3d 15 (Tex. App. Houston 1st Dist. 2010).
- Nev.—*Catholic Diocese, Green Bay v. John Doe* 119, 349 P.3d 518, 131 Nev. Adv. Op. No. 29 (Nev. 2015).
- Tex.—*Walz v. Martinez*, 307 S.W.3d 374 (Tex. App. San Antonio 2009).
- 19 Mont.—*Tackett v. Duncan*, 2014 MT 253, 376 Mont. 348, 334 P.3d 920 (2014).
- 20 U.S.—*Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011).
- As to the general or specific nature of jurisdiction, see § 47.
- 21 U.S.—*Calder v. Jones*, 465 U.S. 783, 104 S. Ct. 1482, 79 L. Ed. 2d 804 (1984).

End of Document

© 2023 Thomson Reuters. No claim to original U.S.
Government Works.